

MINUTES OF THE WATER / TOWN BOARD MEETING OF JANUARY 13, 2016

PRESENT: Supervisor Edward Fairbrother  
Council Bob Adams  
Andy Gillette  
Lee Giammichele  
Mike Saglibene  
Attorney Thomas Reilly  
Clerk Linda Cross

Supervisor Fairbrother opened the Water Board meeting at 4:37 p.m., and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 48-16  
2015 ACCOUNT PAYABLES (Part 1 of 2) APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

RESOLVE the Water Board approve the following 2015 Account Payables:  
WATER FUND:

Kevin Deluca	S5.0000.2140	\$	3,004.65
Griffith Energy	S5.8310.0400	\$	109.98
	S4.8310.0400	\$	2.24
NYSEG	S5.8320.0400	\$	2,156.62

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

There being no further business, the Water Board meeting was closed by Supervisor Fairbrother at 4:38 p.m.

Supervisor Fairbrother opened the Town Board Meeting at 4:38 p.m.

**PUBLIC HEARING Timber Harvesting 4:30 pm**

Supervisor Fairbrother called the public hearing to order at 4:38 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on January 8, 2016, which allowed and considered public comments regarding, Application of Gutches Lumber Company Inc. permit, to harvest 30 Acres of marked lumber on tax parcel #96.00-1-5, located at 231 Monastery Rd. Pine City, NY 14871-9787.

IN FAVOR: None  
OPPOSITION: None  
COMMENTS: None

Since there were no further comments, Supervisor Fairbrother closed the public hearing at 4:39 p.m.

# MINUTES OF THE WATER / TOWN BOARD MEETING OF JANUARY 13, 2016

CONCERNS OF THE PEOPLE – NONE

## REPORTS

Supervisor Fairbrother stated the following reports for December 2015, have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, and Yearly Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Code and Planning Monthly Report, Community Center Monthly Report, Court's Monthly Report, Dog Control's Monthly Report.

## NEW BUSINESS

### RESOLUTION NO. 49-16 2015 ACCOUNT PAYABLES (Part 1 of 2) APPROVED

Resolution by: Giammichele  
Seconded by: Adams

RESOLVE the Town Board approve the following 2015 Account Payables:

#### GENERAL FUND

Griffith Energy	A.7110.0400	\$ 50.74
	A.8020.0400	\$ 46.45
	A.1220.0400	\$ 15.64
	A.8540.0400	\$ 122.44
Overhead Door Com.	A.1640.0400	\$ 465.00
Sanico -	A.1620.0401	\$ 2.80
Staples Advantage	A.1110.0400	\$ 25.22
	A.1620.0400	\$ 6.20
	A.1220.0400	\$ 12.76
	A.8021.0400	\$ 9.08
Star Gazette	A.8010.0400	\$ 12.04
Verzion Wireless	A.1680.0400	\$ 63.26
West Group	A.8010.0400	\$ 33.90
	A.1110.0400	\$ 37.43

#### HIGHWAY FUND

Champion Fasteners Inc.	D.5130.0400	\$ 60.00
Chemung Supply	D.5112.0400	\$ 259.84
Cook Brother	D.5130.0400	\$ 123.32
Darymple Gravel/Contractor	D.5130.0400	\$ 8,300.60
Griffith Energy	D.5110.0400	\$ 1,745.81
	D.5010.0400	\$ 58.76
Verzion Wireless	D.5010.0400	\$ 57.74

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

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RESOLUTION NO. 50-16  
ABSTRACT OF AUDITED VOUCHERS FOR JANUARY 13, 2016 APPROVED

Resolution by: Adams  
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for January 13, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 102,886.19
HIGHWAY FUND	\$ 63,733.97
WATER DISTRICT #4	\$ 424.10
WATER DISTRICT #5	\$ 20,779.92
TRUST FUND	\$ 1,782.57

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 51-16  
TIMBER HARVEST PERMIT, #96.00-1-5, PROPERTY OWNED BY THE BENEDICTINE  
FOUNDATION OF NEW YORK, 231 MONASTERY RD, PINE CITY, NY 14871-9787,  
APPROVED

Resolution by: Saglibene  
Seconded by: Gillette

WHEREAS a Timber Harvesting Application has been received from Gutchess Lumber Company Inc. to harvest 30 Acres of marked timber

WHEREAS the Town Board finds this action to be an Unlisted Action under SEQRA and to have no significant effect on the environment based on the following facts:

1. The timber harvesting will begin between January 13<sup>th</sup>, 2016 to March 31, 2016;
2. All roads will be graded and water bars installed at completion
3. The landing areas and all skid roads will be smoothed and free of debris, also the landing and skid roads will be seeded with a conservation mix after the harvest is complete; now

**BE IT THEREFORE RESOLVED**, this board held a public hearing today January 13, 2016 to hear comments regarding this Gutchess Lumber Company Inc. application; and

**FURTHER RESOLVED**, the application for a timber harvesting permit submitted by Gutchess Lumber Company Inc. is approved as follows:

1. The logging operation, as proposed, will involve trucks using Steege Hill Road to Route 225 to NYS Route 352 to I86. Trucks hauling logs will be required to display a valid safety inspection sticker on the windshield;

RESOLUTION NO. 51-16, TIMBER HARVEST PERMIT, #96.00-1-5, PROPERTY OWNED BY THE BENEDICTINE FOUNDATION OF NEW YORK, 231 MONASTERY RD, PINE CITY, NY 14871-9787, APPROVED continued

2. The transport of logs may only occur between the hours of 9:00am to 7:00pm daily with the exception that on days public schools are in session the transport of logs may not occur between the hours of 1:30 and 4:30PM.
3. All roads shall be kept free of dust and debris created by the logging operation. The roadway will be inspected and cleaned by the logger on a daily basis as needed and must be cleaned when required by the Code Enforcement Officer as a result of any inspections.

**Prior to Obtaining Permit**

4. A performance guarantee in the form of a certified check for \$2500 must be posted with the Code Enforcement Office before any timber harvesting may begin. The performance guarantee will be returned upon the satisfactory completion of all logging operations, compliance with conditions of this resolution, and a final inspection of the timber harvesting site by the Code Enforcement Officer, and a representative from Chemung County Soil and Water Conservation Service, if deemed necessary.
5. An approved Driveway/Curb-Cut and/or Road Permit must be obtained from the Town of Big Flats Department of Public Works **prior** to any transferring of heavy equipment or harvest lumber/materials.

**Prior to any Logging Operations**

6. Proof of Vehicle, General Liability, and Workers Compensation Insurance with minimum liability coverage for personal injury or death of \$1,000,000 and for property damage of \$250,000 for logging operations, unless authorized by the Town Board and the Town Attorney. The Town of Big Flats must be listed as an additional insured and said proof must be filed with the Code Enforcement Office at least 48 hours before commencing any logging operations. Said proof of insurance must be approved by the Town Attorney prior to commencement of work.
7. Notification, in the form of a letter and a copy of the map showing the approved logging area must be provided to all abutters.

**During Harvesting Activity**

1. The logger shall notify the Code Enforcement Officer within five days of completion to Coordinate onsite inspections.
2. The logging site shall be subject to periodic inspections by the Code Enforcement Officer, and Chemung County Soil & Water Conservation Service Representatives at any time during the course of the operation. These inspections will be done between 10:00am and 4:00pm.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

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RESOLUTION NO. 52-16  
RESIGNATION OF TERRI O'ROURKE APPROVED

Resolution by: Gillette  
Seconded by: Giammichele

WHEREAS a letter, dated December 28, 2015, has been received from Terri O'Rourke resigning as a clerk of the Community Center and

WHEREAS for environmental review purposes the Town Board finds this to be Type II administration action pursuant to 6NYCRR 617.5(c)(20) and as such, no environmental review is required for a Type II action, now

BE IT THEREFORE RESOLVED the Town Board acknowledges the resignation of Terri O'Rourke as an employee of the Town of Big Flats effective January 29, 2016.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 53-16  
TOWN SUPERVISOR TO BID AND PURCHASE A NEW OR USED SUV NOT TO  
EXCEED \$30,000 DENIED

Resolution by: Giammichele  
Seconded by: Adams

WHEREAS the vehicle for the assessor's office is a 2006 Dodge and is due for fleet replacement, and

WHEREAS the town's 2014 Fusion will be used by the assessor's office, and

WHEREAS the Town Supervisor will solicit and receive bids for a new or used 2014 or newer 4WD SUV to replace the 2006 Dodge under the BEST VALUE bid from various dealerships, and

WHEREAS the bids will be open on February 1, 2016 at 1PM and compared under the BEST VALUE base bid, and

WHEREAS this bid will not exceed \$30,000, and

WHEREAS for environmental purposes the Purchasing is a Type II action in accordance with SEQRA 6, NYCCR Part 617.5( c ) (25) and as such no further action is required regarding the same, and

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to solicit bids and purchase a SUV 4WD not to exceed \$30,000 for use as a town fleet vehicle.

DENIED: AYES: Adams, Fairbrother  
NAYS: Gillette, Giammichele, Saglibene

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RESOLUTION NO. 54-16

TOWN OF BIG FLATS TO SUPPORT THE TEN PROPOSED RESOLUTIONS FROM THE  
ASSOCIATION OF TOWNS 2016 LEGISLATIVE PROGRAM APPROVED

Resolution by: Adams  
Seconded by: Saglibene

WHEREAS the Association of Towns has proposed nine resolutions for the 2016 legislative program at the Association of Towns meeting in New York City in February 2016, and

WHEREAS the following resolution are proposed, No. 1, Funding for Local Roads and Bridges, No. 2, Adopt Five-Year Capital Transportation Plan, No. 3, Reform the Tax Cap Formula, No. 4, Strengthening State Relations Mandate Relief & Revenue Sharing, No. 5, Increase Justice Court Funding, No. 6, No. Amend the Electronic Equipment Recycling and Reuse Act, No. 7, Neighborhood Stabilization and Maintenance of Abandoned Homes, No. 8, Reform the Real Property Tax System, No. 9., State Assistance Needed for Communities in the Adirondack Park, No. 10, Preserve and Strengthen Home Rule, and

WHEREAS these resolution would have a good impact on the Town of Big Flats, and

WHEREAS the support of the Big Flats Town Board of these resolutions at the Association of Town's meeting, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED that the Big Flats Town Board appoints the Town Supervisor to represent the Town of Big Flats at the Association of Towns meeting in February 2016, to vote in the affirmative for these resolutions.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 55-16

COMMUNICATION LOG JANUARY 13, 2016 APPROVED

Resolution by: Saglibene  
Seconded by: Gillette

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

January 6, 2016

Time Warner Cable - RE: January 6, 2016 Programming Notices Changes Referred to: Town Board, and filed with Town Clerk.

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RESOLUTION NO. 55-16, COMMUNICATION LOG JANUARY 13, 2016 APPROVED,  
continued

January 7, 2016

Public Employer Risk Management Association, Inc. - RE: Termination of the Town of Big Flats' Membership in the PERMA Program. Referred to: *Town Board, and filed with Town Clerk.*

January 8, 2016

Big Flats Business Association Meeting - RE: Minutes of January 6, 2016 Referred to: *Town Board, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

RESOLUTION NO. 56-16  
FEE SCHEDULE ADOPTED

Resolution by: Gillette  
Seconded by: Giammichele

WHEREAS to alleviate any undue burden to the tax payers in the Town of Big Flats and to adequately reimburse the Town for services provided to private citizens and developers by employees of the Town, and

WHEREAS the Town has evaluated and considered the cost associated with various application reviews, variances, permits, inspections and licensing finds that the cost for the services provided by the Town are reasonable and attributable to the applicant for such considerations, review, licensing or permit, and

WHEREAS for environmental review purposes the adoption of a Fee Schedule is a Type II action under SEQRA, 6NYCRR part 617.5(c) (19) and (26), now

BE IT THEREFORE RESOLVED that the following application and licensing fee schedule is hereby adopted and in effect for the listed activities or actions:

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother  
NAYS: None

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## Department of Public Works Fees

### Pavilion

#### Time Slots

Monday-Friday 4PM-8PM

Saturday/Sunday / Holidays  
Slot 1 is 9AM-2:30PM  
Slot 2 is 3:30PM-9PM

#### Small Pavilion

Liz Farr/Sperr

	For 1 Time Slot	For 2 Time Slots on Weekend Only
Resident	\$ 30.00	\$45.00
Non-Resident	\$ 50.00	\$75.00

#### Large Pavilion

Coopers/Jacobus

	For 1 Time Slot	For 2 Time Slots on Weekend Only	Deposit
Resident	\$ 50.00	\$75.00	
Non-Resident	\$ 80.00	\$120.00	
Corporation/ Special Event	\$ 125.00	\$187.50	\$ 50.00

Deposit is not included in these fees above.

### Fields

#### Seasons

Spring- MayThrough July  
Fall- August through October

#### Time Slots

Monday - Friday  
Slot 1 is 3:30PM-6PM  
Slot 2 is 6PM-8:30PM

Saturday/ Sunday/ Holiday  
Slot 1 is 8AM-12PM  
Slot 2 is 12PM-4PM  
Slot 3 is 4PM-8PM

60% or more of Team is Residents	\$10 per Day	\$70 per Season for 1 Field for 1 Time Slot
Non-Resident	\$15 per Day	\$100 per Season for 1 Field for 1 Time Slot

### Concession

#### Little League

\$150 per Season  
\$100 per Tournament

#### Liz Farr Concession

\$25 per Day or per Day for a Tournament  
\$150 per Season



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**Supervisor Fairbrother reported on General Items:**

- Assessing update – Office will be open Monday – Thursday 9am -3pm
- Town employee meeting
- Big Flats 4th graders project
- New fees for community center and others – County will now have fees for using the Community Center
- I86 / STEG town contribution
- County contribution to community center
- IDA projects
- 485B / assessing - trying to stay away from Pilot's
- HVAC in town hall – Air Temp Solutions
- IT with the county update – County IT was in Saturday
- New World program update – Had to cancel meeting – (Unhappy with KVS)
- LED going forward
- IT room problems – Separate unit needed, to warm in server room.
- County Training – Employees are asked to complete the Spyware quiz.

Councilperson Gillette made a motion, seconded by Councilperson Adams to adjourn the Town Board meeting at 5:35 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_ Linda Cross  
Town Clerk